3706

SUPREME COURT OF THE UNITED STATES.

No. 188.

JUAN JOSÉ GONZALES, APP'T,

vs.

THE UNITED STATES.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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GIBSON, print.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this eleventh day of February, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Juan José Gonzales for the place named "San Antonio ó El Pescadero" was presented, and ordered to be filed and docketed with No. 336, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *January 26th*, 1853.

In case No. 336, Juan José Gonzales for the place named "San Antonio ó El Pescadero," the deposition of Manuel Jimeno, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 4 of this Transcript.)

SAN FRANCISCO, *April 1st*, 1853.

In the same case, the deposition of David Spence, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 4 of this Transcript.)

SAN FRANCISCO, *Sept. 23d*, 1853.

Case No. 336 called, submitted on briefs on both sides, and taken under advisement.

SAN FRANCISCO, *January 31st*, 1854.

In case No. 336, Juan José Gonzales for the place named "San Antonio ó El Pescadero," Commissioner Robert A. Thompson delivered the opinion of the board confirming the claim.

(Vide page 37 of this Transcript.)

Petition.

To the Honorable Commissioners to settle private land claims in California.

The petitioner, Juan José Gonzales, respectfully represents:

That on the 24th day of December, A. D. 1833, José Figueroa, governor of California, by virtue of authority in him vested, granted

to the petitioner the tract of land called San Antonio ó El Pescadero, situate in the present county of Santa Cruz, containing three-fourths of a square league, as shown in the title and corresponding map, which original title is submitted herewith, marked "A," with a translation marked "B." That the said grant of land was duly approved and the possession of it duly given to this petitioner. That he has been for about 20 years, and now is, in the quiet and peaceful occupation of said land. That he knows of no conflicting claim. That he relies for confirmation of title upon the original papers, submitted herewith, upon the minutes and records in the archives of the former governments of California, and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the commissioners to confirm to him the aforementioned tract of land.

By his att'ys,
HALLECK, PEACHY & BILLINGS.

Filed in office Sept. 11th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of Manuel Jimeno.

SAN FRANCISCO, *Jan'y 27th*, 1853.

On this day, before Com. Harry J. Thornton, came Manuel Jimeno, a witness in behalf of the claimant, Juan José Gonzales, petition No. 336, and was duly sworn, his evidence being interpreted by the secretary.

In answer to questions propounded by claimant's counsel, the witness testifies as follows:

My name is Manuel Jimeno; my age is 49 years; I have lived in California 24 years; I know the rancho called San Antonio, in the county of Santa Cruz; Juan José Gonzales has to my knowledge occupied this land since 1833; he has had a house, cattle, and horses on it, and sowings. He lives on it now.

MAN'L JIMENO.

U. S. law agent present.

Sworn to and subscribed before me this 27th of Jan'y, 1853.

HARRY J. THORNTON,
Com'r, &c.

Filed in office Jan'y 27th, 1853.

GEO. FISHER, *Sec'y.*

Deposition of David Spence.

SAN FRANCISCO, *April 1st*, 1853.

On this day, before Comm'r Harry J. Thornton, came David Spence, a witness on behalf of the claimant, Juan José Gonzales,

petition No. 336, and was duly sworn, his evidence being given in English.

In answer to inquiries by counsel for the claimant, the witness testified as follows:

My name is David Spence; my age is nearly 55 years. I reside in Monterey, and have lived in California 29 years.

I am acquainted with the handwriting of José Figueroa and Augustin N. Zamorano, having often seen them write; their signature to paper marked Exhibit No. 1, and filed with this deposition, are their genuine signatures.

U. S. law agent present.

D. SPENCE.

Sworn to and subscribed before me, this 1st of April, 1853.

HARRY J. THORNTON,
Com'r, &c.

Filed in office April 1st, 1853.

GEO. FISHER, *Sec'y.*

Communication from office of U. S. Surveyor General.

SURVEYOR GENERAL'S OFFICE,
San Francisco, Cal'a, 2d Sept., 1852.

GENTLEMEN: At the request of the counsel for the claimant, I enclose herewith a certified copy of espediente sobre el paraje, markado Sr. Antonia (a) el Parcadero solicitado por Juan José Gonzales. 23.

Very respectfully, your ob't serv't,

SAM. D. KING,
S'r Gen.

The Board of CALIFORNIA LAND COM'RS,
Los Angeles, Cal'a.

Filed in office Sept. 13th, 1852.

GEO. FISHER, *Sec'y.*

A.—*San Antonio Title.*

Sello Segundo—Doce Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey, para los años de mil ochocientos treinta y dos y mil ochocientos treinta in tres.

RAFAEL GONZALES.

FIGUEROA.

José Figueroa, Gen'l de Brigada de los Ejercitos Nacionales Mejicanos, Com'te Gen'l, Ynsp'r y Gefe, Sup'r Politico de la Alta California.

Por cuanto Juan José Gonzales, Mejicano por nacimiento ha pre-

tendido para su beneficio personal y el de su familia el terreno conocido con el nombre de San Antonio Buelna, la Sierra la Costa, y arroyo del Butano; practicadas previamente las diligencias y averiguaciones consermientes, segun lo dispuesto por leyes y reglamentos; usando de las facultades qe. me son conferidas, en decreto de diez y siete del corriente a nombre de la nacion Mejicana, he venido en concederle la propriedad de el por las presentes letras entendiendose dicha concesion con entera conformidad a lo dispuesto por las leyes a reserva de la aprovacion ó disaprovacion de la ex'ma diputacion territorial y del supremo gobierno bajo las condiciones siguientes:

1a. Que se sometera a las qe. estableciere el reglamento qe. se ha de formar para la distribucion de terrenos valdios, y qe. entretanto ni el agraciado ni sus herederos podran dividir, ni engenar el qe. si le adjudica imponer censo, vinculo, fianza, hipoteca, ni otro gravamen aunque sea por causa piadosa ni pasarlo a manos muertas.

2a. Podra circarlo sin prejudicar las travesias caminos y servidumbres; lo disfrutara libre y esclusivamente destinandolo al uso ó cultivo qe. mas le acomode pero dentro de un año a lo mas fabricara casa y estara habitada.

3a. Cuando se le confirme la propriedad solicitara del juez respectivo qe. le de posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mohoneras algunos arboles frutales ó silvestres de alguna utilidad.

4a. El terreno de qe. se le hace donacion es de una legua de longitud, por tres cuartos de leguas de latitud poco mas ó menos segun esplica el diceño qe. corre en el espediente. El juez qe. diere la posecion lo hara medir conforme a ordenanza para señalar los linderos quedando, el sobrante qe. resulte a la nacion para los usos convenientes.

5a. Si contraveinere a estas condiciones perdera su derecho al terreno y sera denunciable a otro.

En consecuencia mando qe. sirviendole de titulo el presente y teniendose por firme, y valedero se tome razon en el libro a qe. corresponde y se entregue al interesado.

Dado en Monterey, a veinte y cuatro de Diciembre, de mil ochocientos treinta y tres.

JOSÉ FIGUEROA.

AUGUSTIN V. ZAMORANO, *S'rio.*

Queda tomada razon en el libro de asientos de titulos sobre adjudicasion de terrenos a fojas veinte y una numero diez y nueve qe. obra en el archivo de la secretaria de mi cargo.

Monterey, Diciembre veinte y cuatro de mil ochocientos treinta y tres.

ZAMORANO.

Filed in office September 11th, 1852.

GEO. FISHER, *Sec'y.*

B.—*Translation of Title.*

Stamp Second—Twelve Reales.

Provisionally authorized by the administration of the maritime custom-house of Monterey, for the years 1832 and 1833.

RAFAEL GONZALES.

FIGUEROA.

José Figueroa, General of Brigade of the National Armies of Mexico, Commanding General, Inspector and Superior Political Chief of Upper California.

Whereas Juan José Gonzales, a Mexican by birth, has, for his own personal benefit and that of his family, petitioned for the land known by the name of San Antonio or El Pescadero, bounded by the rancho of Antonio Buelna, sierra, the coast, and the arroyo of Buntano, the proper measures and examinations being previously made, as required by laws and regulations, using the powers which are conferred on me, in decree of the seventh of this month, in the name of the Mexican nation I have granted him the aforesaid land, declaring to him the ownership of it by these presents; said grant being understood to be in entire conformity with the provisions of the laws, subject to the approval or disapproval of the most excellent territorial deputation, and of the supreme government, under the following conditions:

1st. That he will submit to those which may be established by the regulations which *is* to be made for the distribution of vacant lands; and in the mean time, neither the grantee nor his heirs can divide or alienate that which is granted to them, subject it to any tax, entail, pledge, mortgage, or other incumbrance, even for pious purposes, nor convey it in mortmain.

2d. He may enclose it, without prejudice to the crossings, roads, and servitudes; he will enjoy it freely and exclusively, making such use or cultivation of it which *as* may best suit him; but within one year, at furthest, he shall build a house, and it shall be inhabited.

3d. When the ownership is confirmed to him, he will request the proper magistrate to give him juridical possession, in virtue of this title, by whom the boundaries will be marked out; in which, besides the bounds, he will place some fruit or forest trees, of a useful character.

4th. The land of which donation is made him is one league in length by three-quarters of a league in breadth, a little more or

less, as shown by the map which goes in the espediente; the magistrate who may give the possession will cause it to be measured in conformity with the ordinance, in order to mark out the boundaries, leaving the surplus which may result to the nation, for its convenient uses.

5th. If he contravene these conditions, he will lose his right to the land, and it will be subject to denouncement by another person.

In consequence, I order, that the present serving him for a title, and being held as firm and valid, note be made of it in the corresponding book, and it be delivered to the person interested.

Given in Monterey, on the twenty-fourth of December, one thousand eight hundred and thirty-three.

(Signed) JOSÉ FIGUEROA.

(Signed) AGUSTIN V. ZAMORANO, *Secretary.*

Note has been made in the book of entries of titles of grant of lands, on folio 21, number 19, which exists in the archives of the secretary's office in my charge.

(Signed) ZAMORANO.

Monterey, December 24th, 1833.

Filed in office Sept'r 11th, 1852.

GEO. FISHER, *Sec'y.*

[1 S. D. K.]

Jurisdiccion de No. 19. Branciforte 21. Año de 1833.

Espediente.

Sobre el paraje nombrado Sn. Antonio (a) el Pescadero solicitado por

JUAN JOSÉ GONZALES.

23.

C.—*Espediente.*

Sello Tercero—Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey para los años de mil ochocientos treinta y tres, y mil ochocientos treinta y cuatro.

JOSÉ RAFAEL GONZALES.

FIGUEROA.

S'OR COM'TE GRAL: El ciud'o Juan José Gonzales, nativo en la mision de Sta. Cruz besino de la villa de Branciforte, residente y empleado en d'ha mision de Sta. Cruz y mayordomo, de la misma cassado, con 13 personas de familia, haviendo servido a la nacion 8 a's 2 meses de soldado, y habiendo obtenido mi hiensia del S'or Com'te Gral. D'n Manuel Victoria, con la condicion de un recluta que puse a mi costa; y ayandome con 500 cabesas de ganado mayor en propriedad, una manada de 30 regiegas y no teniendo un sitio

ni parage donde redicarme, causado ya de las molestias de estar en reunion en la misma villa donde no epodido ni puedo progresar, a causa de la misma reunion donde he notado gran de-minto, en el fue que puse de 12 a's a esta parte; y ayandome aora en la actualidad favorecido de la misma nacion de Sta. Cruz donde se sacrifico mi defunto padre 20 a's y donde yo sirbo en su lugar, siendo y aviendo sido los salarios nuy baxos, baxo de este supuesto, el ministro qe. sirve en la actualidad en la misma mision (que es Fry. Antonio Real) quien satisfecho de mis servicios, y de los del difunto mi padre, me a querido favorecer aseguandome el rancho de San Antonio anteriam'te y amado el Pescadero Realengo o desocupado de la misma mision, esta distencia de 12 leguas al noroeste colindando con el rancho de S. Gregoiro, cuyo sitio ba delineado en el papel que acompaño abrasando en cuadro como cuatro leguas colindando de la casta a la sierra, y de S'r Gregoiro (a rancho que ocupa el ciud'o Antonio Buelna) al rancho de la punta de año nuebo, que es el ultimo, que ocupa la mision, y deseando una seguridad o afianse en el mismo sitio (con aunensia del mismo ministro) ocurro a V'a con el denido respeto, suplicandole se sirva daune en posesion, el ya sitado sitio, atendiendo a mi cresida familia. Y sua en lo que recibe merce y faber su mas adiyto sub dito y S. S. qe. le desea in's a's de vida y atento S. M. B.

Sta. Cruz, O'bre 26, de 1833.

JUAN GONZALES.

MONTEREY, *Nov'e* 29, *de* 1833.

De conformidad con las leyes de la materia informe el ayuntamiento de la villa de Branciforte si el interesado en esta instancia obtiene los requisitos prevenidos para ser atendido en su solicitud, si el terreno que pretende esta comprendido en las 20 leguas limitrofes o 10 litorales que esprexi la ley de 18 de Agosto, de 1824, si es de regardio temporal o abrevadero, si pertenece a propriedad particular, corporacion o pueblo, con todo lo demas que sea conserniente a ilustrar la materia evacuado que sea pasara este espediente al R. P. ministro de la mision de Santa Cruz, para qe. esponga lo que le occurra en el particular. El S'or Dn. José Figueroa, general de brigada y comandante, ynsp'r general y gefe sup'r politico del territorio asi lo mando, decreto y firmo de que doy fee.

FIGUEROA.

AGUSTIN V. ZAMORANO, *S'rio.*

En cumplimiento a lo qe. V. S. ordena a este alluntamiento de su mando en su decreto de 29 de Noviembre, de 1833, en qe. informe si el interesado en esta instancia tiene los requisitos prebenidos para ser atendido en su solicitud, y si el terreno qe. pretende esta comprendido en la materia qe. espresa la ley.

[4 S. D. K.]

El terreno qe. pretende el contenido en esta instancia en el dia—

(Sello Tercero—Dos Reales.

Habilitado provisionalmente por la aduana maritima de Monterey, para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

JOSÉ RAFAEL GONZALES.

FIGUEROA.)

—se le puede conseder pues tiene todas las circumstancias prebenidas para ser atendido en su solicitud y es acredor a el, es hun paraje desocupado no tiene tienas de regadio de temporal si tiene, se a reconocido por propriedad de la mision de Santa Cruz, y para los fines qe. combengan firmo este informello, y el segundo regidor por ausencia de el primero en la casa consestorial de la villa de Branciforte 29 de Diciembre, de 1833.

JOSÉ MA. SALAZAR.

JOSÉ ANTO. ROBLES.

Soy conforme a qe. se le conceda al pretenso Juan Gonzales el sitio qe. pretende, pues es un paraje qe. esta mision, no ocupa en la actualidad, ni se jusga necesario en su posicion de qe. pa. sus costos ganados tiene tierras suficientes, y qe. ayandose desocupado, se jusga Realengo a mas de qe. cuando la mision la ocupo, fue en abundancia de los mismos ganados, y a causa de escases de pastos y aguas, en los años subricuentes los ganados an muerto y deteriorados y a no nesesitan del tal terreno los pocos qe. quedan; el sugeto es de minto, y la mision le deve aute poner a cualesquiera otro, tiene todas las circumstancias y es acindos y pa. qe. conste lo firmo a 7 D'bre, de 1833.

FR. ANTO. DE REAL,
M'tro de Sta. Cruz.

[5 S. D. K.]

MONTEREY, *Diciembre* 10, *de* 1833.

Pasé al alcalde de esta capital ante qe. la parte producira una informacion de tres testigos idoneos qe. seran interrogados sobre los puntos siguientes:

1o. Si el solicitante es Mejicano por nacimiento, si ha servido en la carrera militar, si es casado y tiene hijos, si es de buena conducta.

2o. Si el terreno qe. pretende es de la propriedad al algun particular. Corporacion o Pueblo si es de regadio, temporal y abrevadero, y qe. estencion tendra.

3a. Si tiene vienes de campo con qe. poblarlo o posibilidad de adqfirirlos. Practicada esta diligencia buelva el espediente para

su resolucion. El Sr. gefe, politico comandante gral. insp'r y gen'l de brigada, Don José Figueroa, asi lo mando, decreto y firmo de qe. doy fé.

JOSÉ FIGUEROA.

AGUSTIN V. ZAMORANO.

[*For map see original, page* 15.]

[7 S. D. K.]

Sello Tercero—Dos Reales.

Habilitado provisionalmente por la administracion de la aduana maritima de Monterey, para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

JOSÉ RAFAEL GONZALES.

FIGUEROA.

Dro. 3 p.

—TEREY, *Diciembre* 13, *de* 1833.

Notifiquese al interesado en este espediente presente los testigos qe. se han de ecsaminar sobre los puntos que comprehende el superior decreto que antende de lo del presente qe. antecede. Asi yo el alcalde lo decreto mande y firme con los testigos de asistencia en la forma establecida.

T. MARCELINO ESCOBAR.

De ass'a, JOSÉ MA. MALDONADO.
De ass'a, JOSÉ ANTONIO ROMERO.

En el mismo dia presente Juan José Gonzales se le notificio el auto qe antecede y entendido Dijo, lo aye y qe. presente a los ciud's Salvio Pacheco, Manuel Larios, y Felipe Hernandez, y lo firmo conmigo y los testigos de asistencia.

JUAN GONZALES.

ESCOBAR.
De ass'a, JOSÉ MARIA MALDONADO,
De ass'a, JOSÉ ANTONIO ROMERO.

[8 S. D. K.]

En el puerto de Monterey a los trece dias del mes de Diciembre de mil ochocientos treinta y tres, presente el C. Salvio Pacheco testigo presentado p'r la parte del interesado se le recivio juramento en forma de d'ho por el cual ofrecio decir verdad en lo que supiere y pure preguntado y siendolo por su nombre estado, edad, patria y religion. Dijo llamarse como queda d'ho, qe. es casado, de edad de treinta y ocho años, natural de esta capital y C. A. R.

Preguntado por el interrogatario qe. se advierte en el superior decreto que antecede dijo, a lo primero que el solicitante es Mejicano par nacimiento que ha servido en la carrera militar en la com-

pañia de caballeria del puerto de San Francisco, que es casado y tiene tres hijos que le conoce que la conducta que le ha observado es buena y nunca se le ha reprendido. A lo segundo dijo que el terreno que solicita no sabe que pertenesca a propriedad alguna de particular y solo sabe por diceres que pertenece a la mision de Sta. Cruz que tiene el d'ho terreno mas de temporal qe abrevadero qe. de regadio por no estar impuesto muy bien de el y qe. la estencion qe. tiene a su ver sera de una y media legua de oriente a poniente y de sur a norte no sabe con certeza lo qe. tendria por su un cañon qe. toca hasta el rancho de C. Antonio Buelna.

A lo tercero dijo que los vienes de campo que le conose sera un numero de dos cientos reses y una manda de lleguas y caballada mansa con lo que crea pueda poblarlo que lo dicho es la verdad a cargo del juramento que—

[9 S. D. K.]

Sello Tercero—Dos Reales.

Habilitado provisionalmente por la administracion de la aduana maritima de Monterey, para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro—

JOSÉ RAFAEL GONZALES.

FIGUEROA.

—tiene hecho en el que se afirmo y ratifico, leida que le fue esta su declaracion y lo firmo conmigo y los de asistencia.

M. ESCOBAR,
SALVIO PACHECO.

De ass'a, JOSÉ ANTONIO ROMERO.
De ass'a, JOSÉ MARIA MOLDONADO.

En la misma f'ha presente el C. Manuel Larios se le recivio juramento en forma de d'ro por el cual ofrecio decir verdad en lo que supiere y fuese preguntado y siendole por su nombre estado edad patria y religion. Dijo llamarse como queda referido que es casado, de treinta y cinco años, natural del pueblo de San José, y C. A. R.

Preguntado en los mismos terminos que lo fue el primero testigo dijo. A lo primero que es Mejicano por nacimiento, que ha servido en la carrera militar en la comp'a de caballeria en el puerto de Sn. Franc'o que es casado y tiene hijos y que la conducta q'e tiene es muy buena.

A lo segundo dijo: que el terreno que solicita no sabe mas que pertenece á la mision de Sta. Cruz; pero que tambien sabe se [10 S. D. K.] lo ha sedido el padre ministro de ella que el parage d'ho es de temporal y abrevadero y que con cultivo y trabajo puede tener algunas partes de regadio, que la estencion que sera de una legua ó mas de ancho y dos de la playa a las lomas.

A lo tercero responde que tiene vienes de campo con que poblarlo asi como caballada q'e lo q'e tiene dicho es la verdad á cargo del

juramento q'e tiene hecho en el q'e se afirmo y ratifico leida q'e le fue esta su declaracion y no firmo por q'e dijo no saber lo hice yo y los de asistencia.

M. ESCOBAR.

De ass'a, JOSÉ MARIA MOLDONADO.
De ass'a, JOSÉ ANT'O ROMERO.

En la misma f'ha presente el C. Felipe Hernandez se le recibio el juramento en forma de derecho por el cual ofiecio decir verdad en lo q'e supiere y fuese preguntado, y siendolo per su nombre, estado, edad, patria y religion. Dijo llamarse como dicho esta, q'e es vindo de sesenta y cuatro años, natural de la Barca y C. A. R. reg'do, en los terminos q'e los anteriores dijo. A lo primero: que el solicitante es Mejicano por nacimiento que ha servido en la carrera militar; que es casado—

[11 S. D. K.]

(Sello Tercero—Dos Reales.

Habilitado provisionalmente por la administracion de la aduana maritima de Monterey, para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro—

JOSÉ RAFAEL GONZALES.

FIGUEROA.)

—y tiene 11 hijos; y q'e su conducta es buena. A lo segundo, dijo, que el terreno q'e solicita no sare q'e pertenesca á ninguna propriedad; que es de temporal y abrevadero y q'e su estencion ignora cual sea.

A lo tercero dijo: q'e tiene suficientes vienes de campo para poblarlo, y q'e lo dicho es la verdad a cargo del juram'to q'e tiene hecho en el q'e se afirmo y ratifico leida q'e le fue esta su declaracion y no firmo pr. no saber lo hice yo y los de as'a.

M. ESCOBAR.

De as'a, JOSÉ MARIA MALDONADO.
De as'a, JOSÉ ANTONIO ROMERO.

MONTERREY, *Dec.* 13, *de* 1833.

Concluidas las diligencias q'e se mandan en el antesedente superior decreto, ruebra el espediente al S. gefe, superior politico para su superior resolucion. Asi yo el alcalde const'te lo decreto, mandé y firmé con los testigos de as'a.

F. MARCELINO ESCOBAR.

De as'a, JOSÉ MARIA MALDONADO,
De as'a, JOSÉ ANTO. ROMERIO.

[12 S. D. K.]

MONTERREY, *Diciembre* 17, *de* 1833.

Vista la peticion con q'e da principio este espediente el informe de la autoridad municipal de la villa de Branciforte, el del R. P.

ministro de la mision de Sta. Cruz las esposiciones de las testigos con todo lo demas q'e se tubo presente y ver convino de conformidad con lo dispuesto por las leyes y reglamentos de la materia se declara á Juan José Gonzales dueño en propriedad del terreno conocido con el nombre de S'n Antonio (ó) el Pescadero Colindante con el rancho de Antonino Buelna, la sierra, la Costa y arroyo del Biotano sugeto á las condiciones q'e se estipularen librese el despacho correspondiente, tomese razon en el libro respectivo y dirijase este espediente para la divida aprovacion á la exma. diputacion territorial, en cuyo caso el interesado, a quien se le hara saver este decreto presentara nuevamente su titulo para q'e se revalide.

El Sr. D. José Figueroa, gen'l de brigada, com'te gen'l ynsp'or y gefe, sup'r politico de la Alta California asi lo mandó, decreto y firmó de q'e doy fé.

JOSÉ FIGUEROA,
AGUSTIN V. ZAMORANO.

[13 S. D. K.]

Sello Tercero—Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

JOSÉ RAFAEL GONZALES.

FIGUEROA.

En 24 de Diciembre, de 1833, habiendo comparecido en esta secretaria la parte de Juan José Gonzales se le hizo saver el decreto q'e antecede del S'r gefe, superior politico y enterada de el dijo: q'e lo oye y de quedar conforme lo firmo con migo pa. la divida const'a.

JUAN GONZALES.

AGUSTIN V. ZAMORANO.

Las comisiones de colonizacion y terrenos valdios á quienes se pasó el espediente, cuya formacion provoco por pretencion q'e el c'no Juan José Gonzales hizo del parage nombrado S'n Antonio el Pescadero, le han ecsaminado con la circumspesion que corresponde, teniendo al mismo tiempo presente la ley de 18 de Agosto, de 1824, sus concordantes y las disposiciones generales q'e en 24 de Nov're, de 1828, decreto el supremo gobierno de la union p'a el mejor cumplim'to de la primera.

Del ecsamen del espediente se ha penetrado la comision de la opinion q'e ya tenia de la escrupaloridad, y teno con que el Sor. gefe, politico lo mando instruir; de suerte que ni en su formacion se estravia algun requisito hecencial de los practicados. Por lo dicho concluye la comision ofreciendo à la deliberacion de esta exma. diputacion la siguiente proposicion:

1a. Se aprueba la concession hecha al c'no Juan José Gonzales

del parajé nombrado San Antonio el Pescadero en 24 de Diciembre, de 1833, de entera conformidad con lo prevenido en la ley de 18 de Agosto, de 1824, y el articulo 5 del reglamento de 21 de Nov're, de 1828.

Monterey, Mayo 10, de 1834.

CARLOS ANTO. CARRILLO,
JOSÉ T. ORTEGA,
JOSÉ A. ESTUDILLO,
JOSÉ CASTRO.

[14 S. D. K.]

MONTERREY, 17 *de Mayo de* 1834.

En sesion de este dia se aprovó por la exma. diputacion la proposicion del dictamen antecedente mandando se devuelva el espediente al Sor. gefe, sup'r politico, para las fines consiguientes.

JOSÉ FIGUEROA.

JUAN B. ALVARADO, *S'rio.*

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and as such now having in my office and under my custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify that the fifteen preceding and hereunto annexed pages of tracing paper, numbered from one to fifteen inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially and affixed my private seal, (not having a seal of office,) [SEAL.] at the city of San Francisco, Cal'a, the 2d day of September, 1852.

SAM'L D. KING,
Surv'r Ge'l Cal'a.

(2d Sept., 1852. S. D. K.)

Filed in office Sept'r 13th, 1852.

GEO. FISHER, *Sec'y.*

D.—*Translation of Espediente.*

Stamp Third—Two Reales.

Provisionally authorized by the maritime custom-house of Monterey for the years one thousand eight hundred and thirty-three and one thousand eight hundred and thirty-four.

(Signed) FIGUEROA.
(Signed) JOSÉ RAFAEL GONZALES.

To His Excellency the Commanding General:

I, citizen Juan José Gonzales, native of the mission of Santa Cruz, resident of the town of Branciforte, residing and employed in said mission of Santa Cruz, and mayordomo of the same, married, with a family of thirteen persons, having served the nation eight years and two months as a soldier, and having obtained my discharge from his excellency the commanding general, Don Manuel Victoria, with the conditions of furnishing a recruit, which I did at my own expense, and finding myself with 500 head of large cattle, and having no land or place to settle on, tired of the trouble of being together in the same village, where I have been and am unable to progress on account of the same; living where I have noted a great loss in the stock which I placed twelve years ago, and being now actually favored by the same mission of Santa Cruz, where my deceased father exposed (sacrifice) himself for 20 years, and where I serve in his place, the salaries of this post being and having been very low, the minister who attends at present in the same mission, (Friar Antonio Real,) satisfied with my services and those of my deceased father, has wished to favor me by assigning to me the rancho of San Antonio, formerly called El Pescadero Realengo, which is not occupied by said missions, is distant 12 leagues to the northwest, bounded by the rancho of San Gregorio, which place is delineated on the accompanying paper, including a square of about four leagues, extending from the coast to the sierra, and from the rancho of San Gregorio (rancho occupied by citizen Antonio Buelna) to the rancho of La Punta de Año Nuevo, which is the further occupied by the mission, and desiring a security or guaranty in the same place, I apply, with the consent of the same minister, to your excellency, with the due respect, praying that you will be pleased to give me in possession the aforesaid place, in consideration of my large family, and which will confer favor and grace on your most attached subject and servant, who wishes you many years of life, &c., &c.

Santa Cruz, Nov. 26th, 1833.

(Signed) JUAN GONZALES.

MONTEREY, *Nov. 29th*, 1833.

In conformity with the laws on the matter, let the ayuntamiento of the town of Branciforte report whether the person interested in this petition possesses the requisites to the attended to in his petition; whether the land he asks for is included in the 20 leagues from the boundary, or 10 from the sea-shore, referred to in the law of Aug't, 1824; if it is irrigable, dependent on the seasons, or pasture land; if it belongs to the ownership of any private individual, corporation, or pueblo, with everything else which may be proper to explain the matter.

This being concluded, it will pass this espediente to the rev.

father, minister of the mission of Santa Cruz, that he may report what he knows on the matter. Señor Don José Figueroa, general of brigade and commandant, inspector general and superior political chief of the territory, thus ordered, decreed, and signed, to which I certify.

FIGUEROA.

AGUSTIN V. ZAMORANO,
Secretary.

In compliance with your excellency's orders to this ayuntamiento, under your *commans* in the decree of November 29, 1833, to report whether the person interested in this petition possesses the requisites to be attended to in his request, and if the land he asks for be included in those referred to in the law.

The land asked for by the person interested in this petition may now be granted to him, for he has all the circumstances required in order to be attended to, and is entitled to it.

It is an unoccupied place; has no irrigable lands; has lands dependent on the seasons; has been recognised as the property of the missions of Santa Cruz; and for the purposes it may serve, I sign this with the 2d regidor, on account of the absence of the first, in the town-hall of the town of Branciforte, on the 2d December, 1833.

(Signed) JOSÉ ANTONIO ROBLES.
(Signed) JOSÉ MARIA SALASAR.

I agree to these being granted the petitioner, Juan José Gonzales, the place he asks for, as it is a place which this mission does not at present occupy, nor is it deemed necessary for it, in consideration of the fact that it has land enough for its few cattle, and that being unoccupied, it is considered public land; besides, when the mission occupied it, it had abundance of cattle, and on account of scarcity of pasture and water in subsequent years the cattle have died and diminished, and the few that remain do not need the land. He is a person of merit, and the mission ought to place him before any other person. He has all the requisites, and is entitled to it, and in testimony I sign it on the 7th of December, 1833.

(Signed) Friar ANTONIO SUAROZ DEL REAL,
Minister of Santa Cruz.

MONTEREY, *December* 10, 1833.

Let it pass to the alcalde of this capital, before whom the party will produce an information of three fit *witness*, who will be questioned upon the following points:

1st. If the petitioner is a Mexican by birth; if he has served in the army; if he is married and has children; if he is of good conduct.

2d. If the land he asks for is of the ownership of any individual, corporation or pueblo; if it is irrigable, dependent on the seasons, or pasture land, and what is its extension.

3d. If he has cattle with which to stock it, or the possibility of acquiring them.

This examination being made, let him return the espediente for its decision.

His excellency the political chief, commanding general, inspector and general of brigade, Don José Figueroa, thus ordered, decreed and signed it; to which I certify.

(Signed) JOSÉ FIGUEROA,
(Signed) AUGUSTUS V. ZAMERANO,
Secretary.

Fees $3 00.

MONTEREY, *December* 13, 1833.

Let the party interested in this espediente be notified to present the witnesses which are to be examined on the points included in the superior decree of the 10th inst., which precedes this.

Thus I, the alcalde, decreed, ordered, and signed it with the assisting witnesses, in the established form.

(Signed) MARCELINO ESCOBAR.

Assisting witnesses:
(Signed) JOSÉ MARIA MALDONADO,
(Signed) JOSÉ ANTONIO ROMERO.

On the same day, present Juan José Gonzales, the foregoing act was made known to him; and having understood it, he said that he heard it, and that he presents citizens Salvio Pacheco, Manuel Larios and Felipe Hernandez, and he signed it with me and the assisting witnesses.

(Signed) M. ESCOBAR,
(Signed) JUAN GONZALES.

Assisting witnesses:
(Signed) JOSÉ MARIA MALDONADO,
(Signed) JOSÉ ANTONIO ROMERO.

In the port of Monterey, on the 13th day of the month of December, one thousand eight hundred and thirty-three, present Salvio Pacheco, witness presented on the part of the persons interested, oath was received of him in form of law, by which he promised to speak truth in that which he might know; and being asked for his name, estate, age, country and religion, he said that he is called as has been said; is married; thirty-eight years old; a native of this capital, and Apostolic Roman Catholic.

Questioned as to the interrogatory referred in the foregoing superior decree, he said, to the 1st:

That the petitioner is a Mexican by birth; that he has served in

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the army in the cavalry company of the port of San Francisco; that he is married and has thirteen children that he knows of; that his conduct, as far he has observed, is good, and he has never been reprehended. To the 2d he said:

That he does not know that the land petitioned for pertains to the ownership of any private individual, and only knows by rumor that it pertains to the mission of Santa Cruz; that there is more land dependent on the seasons and pasture land, than irrigable; but he is not very well acquainted with it, and that its extent is from a league to a league and a half from east to west and from north to south; he does not know how much of it is, as it is a cañon which reaches to the rancho of citizen Antonio Buelna. To the third he said:

That the number of cattle he is known to have is about two hundred head, and a drove of mares and tame horses, with which he believes he can stock it; that what he has said is true under the oath which he has made, which he affirms and ratifies; and this his declarations having been read to him, he signed it with me and those of my assistance.

(Signed) M. ESCOBAR,
(Signed) SALVIO PACHECO.

Assisting witnesses:
(Signed) JOSÉ MA. MALDONADO,
(Signed) JOSÉ ANTO. RAMERO.

In the same date, present citizen Manuel Larios, oath was received of him in form of law, by which he promised to speak the truth in all that he might know and be asked; and being asked for his name, estate, age, country and religion, he said that he is called as has been said; that he is married; thirty-five years old; native of the pueblo of San José, and Apostolic Roman Catholic.

Questioned in the same terms in which the first witness was, he replied, to the first:

That he is a Mexican by birth; that he has served in the army, in the company of cavalry of the port of San Francisco; that he is married and has children, and that his conduct is very good. To the second:

That he only knows that the land petitioned for pertains to the mission of Santa Cruz, but that he also knows that the Father minister of it has granted it; that the said place is dependent on the seasons and pasture land, and that there may be some point that with labor and cultivation will be irrigable; that its extent is about a league or more wide, and two from the beach to the hills. To the third he replies:

That he has cattle with which to stock it, as well as horses; that what he has said is true, under the oath which he has made, which he affirms and ratifies, this his declaration having been read to

him, and did not sign because he did not know how. I did so with those of assistance.

(Signed) M. ESCOBAR.

Assisting witnesses:

(Signed) JOSÉ MARIA MALDENADO,

(Signed) JOSÉ ANTONIO RAMERO.

On the same date, present citizen Felipe Hernandez, oath was received of him in form of law, by which he promised to speak truth in all that he might be asked and know; and being asked for his name, estate, age, country and religion, he said, he is called as has been said; that he is a widower, seventy-four years old; native of La Baja, California, and Apostolic Roman Catholic.

Questioned in the same terms as the first, he said, to the first:

That the petitioner is a Mexican by birth; that he has served in the army; is married, and has eleven children, and that his conduct is good.

To the second he said, that the land which he petitions for is not to his knowledge of any ownership; that it is dependent on the seasons, and pasture land, and he does not know what its extent is.

To the third he said, that he has sufficient cattle to stock it; and that what he has said is true under the oath which he has made, which affirms and ratifies; this, his declaration, having been read to him, and did not sign because he did not know how. I did it with those of assistance.

(Signed) M. ESCOBAR.

Assisting witnesses:

(Signed) JOSÉ MALDONADO,

(Signed) JOSÉ ANTONIO RAMERO.

MONTEREY, *December* 3, 1833.

The official acts ordered in the foregoing superior decree being finished, let the espediente be returned to the superior political chief for his superior decision.

Thus I, the constitutional alcalde, decreed, ordered, and signed with the assisting witnesses.

(Signed) M. ESCOBAR.

Assisting witnesses:

(Signed) JOSÉ MARIA MALDONADO,

(Signed) JOSÉ ANTONIO RAMERO.

MONTEREY, *December* 17th, 1833.

Having seen the petition with which this espediente commences, the report of the municipal authority of the town of Branciforte, that of the Rev. Father Minister of Santa Cruz, the declarations of the witnesses, together with all other things which were presented and deemed proper to be seen, in conformity with the pro-

visions of the laws and regulations on the matter, Juan José Gonzales is declared owner in fee of the land known by the name of San Antonio, (or El Pescadero,) bounded by the rancho of Antonio Buelna, the sierra, the coast, the Arroyo del Brotano, subject to the conditions which may be stipulated. Let the corresponding patent issue, let note be made in the proper book, and let this espediente be directed for the approbation of the most excellent territorial deputation, in which case the person interested, who will be made to know this decree, will again present his title that it may be revalidated.

Señor Don José Figueroa, brigadier general, commanding general, inspector and superior political chief of Upper California, thus ordered, decreed, and signed, to which I certify.

(Signed) JOSÉ FIGUEROA.
(Signed) AUGUSTIN V. ZAMORANO.

On the 24th of December, 1833, the party, Juan José Gonzales, having appeared in this office, he was made to know the foregoing decree of the superior political chief, and having understood it, he acknowledged notice, and signed with me for its due testimony.

JUAN GONZALES.

AUGUSTIN V. ZAMORANO.

The committee on colonization and vacant lands, to whom was referred the espediente, the formation of which was caused by the petition of citizen Juan José Gonzales for the place named San Antonio, or El Pescadero, having examined it with the corresponding circumspection, taking into consideration at the same time the law of August 18th, 1824, those agreeing with it, and the general directions which on the 24th November, 1828, the supreme government of the Union gave for the better fulfilment of the first: From the examination of the espediente the committee has become impressed with the opinion which it before held of the scrupulousness and tact with which his excellency the political chief ordered it to be made, so that neither in its formation, nor in the steps taken, is any essential requisite wanting; wherefore the committee concludes by offering to the deliberation of this most excellent deputation the following proposition:

1st. Approved the grant made to citizen Juan José Gonzales, of the place named San Antonio El Pescadero, on the 24th December, 1833, in entire conformity with the provisions of the law of August 18th, 1824, and article 5th of the regulations of Nov. 21, 1828.

Monterey, May 10th, 1834.

(Signed) CARLOS ANTONIO CARRILLO,
(") JOSÉ CASTRO,
(") JOSÉ T. ORTEGA,
(") JOSÉ A. ESTUDILLO.

MONTEREY, *May* 17th, 1834.

In sessions of this day, the proposition of the foregoing report was approved by the most excellent deputation, ordering that the espediente be returned to his excellency the superior political chief for the convenient purposes.

(Signed) JOSÉ FIGUEROA.

(Signed) JUAN B. ALVARADO, *Secretary.*

Filed in office January 4th, 1852.

GEO. FISHER, *Sec'y.*

Opinion of the Board by Com'r R. Aug. Thompson.

JUAN JOSÉ GONZALES vs. THE UNITED STATES. } Case No. 336.

For the place called San Antonio or El Pescadero, claim for 1 sq. league of land in the county of Santa Cruz.

This claim is founded on a grant made by Governor Figueroa, on the 24th day of December, 1833, to the present claimant, which was duly approved by the territorial deputation on the 17th day of May following. The grant describes the land as that known by the name of San Antonio or El Pescadero, bounded by the rancho of Antonio Buelna, the sierra, the coast, and the Arroyo de Butano. The fourth condition states that the land of which donation is made is one league in length and three-quarters of a league in breadth, a little more or less, as shown by the map which goes with the espediente, with the usual reservations of the sobrante or overplus to the use of the nation. The boundaries are distinctly marked out on the map; and although there is no scale on the map by which the extent of the boundaries can be ascertained, but there is a note made upon it stating that they extend one league from north to south, and three-quarters of a league from east to west. This description, taken in connection with that contained in the grant, shows very clearly that it is a grant by metes and bounds, and that consequently no sobrante can result.

The original grant is in evidence, and the genuineness of the signatures of the governor and secretary appearing thereon are duly proved by the deposition of David Spence. Manuel Jimeno proves that the claimant has occupied the land since the year 1833; that he has had a house, cattle, horses, and sowings on it, and that he still lives on it.

The evidence is sufficient to establish the validity of the claim, and entitle it to a confirmation by the board.

Filed in office January 31st, 1854.

GEO. FISHER, *Sec'y.*

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Decree.

JUAN JOSÉ GONZALES vs. THE UNITED STATES. } Case No. 336.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim is valid, and it is therefore decreed that the same be confirmed.

The land of which confirmation is made is known by the name of San Antonio or El Pescadero, and is situated in the present county of Santa Cruz, being the same which has been held and occupied by the present claimant since the year 1833 to the present time, and is bounded as follows: beginning at the mouth of the Arroyo de Butario, and running along the seacoast and bordering thereon to the boundary line of Antonio Buelna, the distance being one league, a little more or less; thence with the line of said Buelna east three-quarters of a league; thence a line southerly parallel with the seacoast until it intersects the Arroyo del Butario, at the distance of three-quarters of a league from the coast; thence along said arroyo and bordering thereon to its mouth, the place of beginning; the same being in extent three-fourths of a square league, a little more or less. For a more particular description, reference being had to the original grant and map contained in the espediente from the archives now in the custody of the U. S. surveyor general for California, the first of which and a traced copy of the latter are filed in the case.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON.

Filed in office Jan'y 31st, 1854.

GEO. FISHER, *Sec'y.*

Secretary's Certificate.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing forty pages, numbered from 1 to 40, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office in case No. 336 on the docket of the said board, wherein Juan José Gonzales is the claimant against the United States for the place known by the name of "San Antonio ó el Pescadero."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this twenty-third day of September, A. D. 1854, and

of the independence of the United States of America the seventy-ninth.

GEO. FISHER, [SEAL.]
Sec'y.

Endorsed: Filed Sept. 23d, 1854.
JNO. A. MONROE, *Clerk.*

Appeal Notice.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
Washington, 30th November, 1854.

JOSÉ GONZALES
vs. } 336.
THE UNITED STATES.

You will please take notice, that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of August, 1854, the appeal in the district court of the United States for the northern district of California will be prosecuted by the United States.

C. CUSHING,
Attorney General.

Endorsed: Filed January 8th, 1855.
JOHN A. MONROE, *Clerk.*

Notice of Appeal.

U. S. District Court for the northern district of California.

JUAN JOSÉ GONZALES, Appellant,
vs. } No. 104.
THE UNITED STATES.

To Samuel *J.* Inge, U. S. District Attorney for said district:

You are hereby notified that Juan José Gonzales will prosecute a cross-appeal, in the above stated case, for a confirmation of that portion of the claim which was rejected by the U. S. land commissioners for the State of California, a board organized by the act of Congress of March 3d, 1851, in which case the United States has also taken an appeal.

San Francisco, April 18th, 1855.

V. E. HOWARD,
For Plaintiff.

Service of a copy admitted this 19th day of April, 1855.
S. W. INGE,
U. S. District Attorney.
Pr. JOHN A. GODFREY.

Endorsed: Filed April 19th, 1855.
JNO. A. MONROE, *Cl'k.*

Petition.

United States District Court for the northern district of California.

JUAN JOSÉ GONZALES, Appellant,
vs.
THE UNITED STATES. } No. 104.

On appeal from the U. S. Board of Land Commissioners for the State of California.

To the Honorable Ogden Hoffman, judge of said court:

Juan José Gonzales, the petitioner herein, respectfully represents, that on the 17th day of December, A. D. 1833, José Figueroa, governor of the department of California, and having full power and authority, by law, to make grants of lands belonging to the public domain, made to the petitioner a grant of a certain tract of land situated within the northern district of the State of California, called San Antonio or El Pescadero, bounded by the ranch of Antonio Buelna, the mountain, the coast, and the rivulet Butano, reference being here had for a more particular description to the original grant thereof, and the papers on file in said court.

That on the day of , 1852, this petitioner filed his petition for the confirmation to him of the title to said tract of land in the United States board of land commissioners, organized by the act of Congress approved March 3d, 1851, entitled "An act to ascertain and settle the private land claims in the State of California;" and that thereafter such proceedings were had, that said commission, on the day of , 1854, rendered a decision in the said case, confirming his title to part of the lands embraced within said grant, and rejecting his claim as to a part of said lands, whereupon he appealed from said decision to said United States district court.

The petitioner prays this honorable court to review said decision of the said commissioners, and decide on the validity of his said claim, and for such other and further proceedings as may be just and proper in the premises, and he will ever pray, &c.

V. E. HOWARD,
For Petitioner.

Service of a copy of the within paper, this 19th day of April, 1855, is admitted.

S. W. INGE,
U. S. District Att'y.
Pr. JOHN A. GODFREY.

Endorsed: Filed April 19th, 1855.

J. A. MONROE, *Cl'k.*

Special Answer.

In the District Court of the United States for the northern district of California.

THE UNITED STATES, Appellees,
vs.
JUAN JOSÉ GONZALES. } No. 104.

The United States, by their attorney, deny the validity of the title set out in the petition of the said appellants for all and any part of the claim therein prayed for, and pray that the decision of the board of commissioners be in all things reversed, and that the said title be decreed to be invalid to all intents and purposes.

Respectfully,
A. GLASSEL,
Ass't U. S. Att'y.

Endorsed: Filed October 16th, 1855.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Decree.

THE UNITED STATES
vs.
JUAN JOSÉ GONZALES. } No. 104.

Stated Term—October 29th, 1855.

Appeal from the final decision of the commissioners to ascertain and settle the private land claims in California.

This cause coming on to be heard at a stated term of this court, on appeal from the final decision of the commissioners to ascertain and settle private land claims in the State of California, under an act of Congress approved 3d March, 1851, on a transcript of the decision and papers, and proceedings on which said decision was founded, and it appearing that the said transcript has been duly filed according to law, and counsel for the respective parties having been heard, whereupon it is ordered, adjudged and decreed by the court that the said decision be in all things affirmed; and it is further ordered, adjudged and decreed by the court, that the claim of the said Juan José Gonzales is a good and valid claim to the land known by the name of "San Antonio," or "Pescadero," to the extent and within the boundaries mentioned in the grant and map, the original of which former, and copy of which latter, are on file in the records of this case.

M. HALL McALLISTER,
Judge Cir. Court U. S. Dists. of Cal'a.

Endorsed: Filed October 29th, 1855.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

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Order granting Appeal.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-room, in the city of San Francisco, on Thursday, the 19th day of August, in the year of our Lord one thousand eight hundred and fifty-eight.

Present, the Honorable Ogden Hoffman, district judge.

JUAN JOSÉ GONZALES vs. THE UNITED STATES. } D. C. 104.—L. C. 336.

In this case, on application of V. E. Howard, esq., attorney for claimant, it is ordered by the court that an appeal in behalf of the claimant from the final decision of the court, rendered in said cause at the June, 1855, term, be, and the same is hereby, granted; that the claimant file a bond, with sureties, in the sum of $200, to be approved by the court; that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court of the United States without delay, and that the appellants serve the usual citation according to law.

OGDEN HOFFMAN,
District Judge.

Endorsed: Filed August 19th, 1858.

W. H. CHEVERS, *Clerk.*

Appeal Bond.

District Court of the United States for the northern district of California.

JUAN JOSÉ GONZALES v. THE UNITED STATES. } No. 104.

Know all men by these presents, that Wm. B. Dameron and George W. Guthrie, of the State of California, are held and firmly bound to the above named United States in the sum of two hundred dollars, to be paid to the said United States; for the payment of which, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally by these presents.

Sealed with our seals, and dated the nineteenth day of August, in the year of our Lord one thousand eight hundred and fifty-eight.

Whereas the above named appellant has prosecuted an appeal to the Supreme Court of the United States, at the city of Washington, in the District of Columbia, to reverse the decree rendered in the above suit by the district court of the United States for the northern district of the State of California:

Now, therefore, the condition of this obligation is such, that

if the above named appellant shall prosecute his appeal to effect, and answer all damages and costs if they fail to make their appeal good, then this obligation shall be void; otherwise to remain in full force and virtue.

Witness our hands and seals the day and year above written.

W. B. DAMERON, [SEAL.]
G. W. GUTHRIE. [SEAL.]

Signed and sealed in presence of—
W. H. CHEVERS.

Wm. B. Dameron and George W. Guthrie, parties to the above bond, being duly sworn, each for himself says, that he resides in the northern district of Cal'a, and that he is worth the sum of two hundred dollars over and above all his just debts and liabilities.

W. B. DAMERON,
G. W. GUTHRIE.

Sworn to and subscribed Aug. 19th, 1858, before me.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, *Aug.* 19, 1858.

Approved.

OGDEN HOFFMAN,
Dist. Judge.

Endorsed: Filed Aug. 19, 1858.

W. H. CHEVERS, *Clerk.*

Citation.

To the United States of America, by P. Della Torre, esq., U. S. attorney, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden in Washington on the first Monday in December next, pursuant to an order of appeal granted on the nineteenth day of August, A. D. 1858, by the district judge of the district court of the United States for the northern district of California, in a certain suit, wherein Juan José Gonzales is plaintiff, and the United States are defendants, on appeal to show cause, if any there be, why the decision in the said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand and seal at San Francisco, this nineteenth day of August, in the year of our Lord one thousand eight hundred and fifty-eight.

OGDEN HOFFMAN, [SEAL.]
Dist. Judge.

3720.

Due service within citation, by U. S. marshal, admitted this 19th August, 1858.

P. DELLA TORRE,
U. S. Att'y.

Endorsed: Filed Aug. 19th, 1858.

W. H. CAEVERS, *Clerk.*

I, W. H. Chevers, clerk of the district court of the United States for the northern district of California, do hereby certify, that the annexed and foregoing pages, numbered from one to fifty, both inclusive, contain a full, true and correct transcript of the record from the board of U. S. land commissioners, and of the pleadings, decree, orders, citation and bond in said court, filed in this office in the case of Juan José Gonzales, appellants, vs. The United States, appellees.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said court, this 19th day of August, A. D. [SEAL.] 1858, and of the independence of the United States the 83d.

W. H. CHEVERS, *Clerk.*

Filed 17th September, 1858.